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(8/88)

United States District Court
for
SOUTHERN DISTRICT OF CALIFORNIA

FILED
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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

U. S. A. vs. GOMEZ, RICARDO
Reg: 05211-298
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BY 

Docket No. 07CR2902-WQH-002
DEPUTY

AMENDED
Petition for Action on Conditions of Pretrial Release

Comes now Irene Pflaum, Pretrial Services Officer presenting an official report upon the conduct of defendant GOMEZ, RICARDO who was placed under pretrial release supervision by the Honorable Leo S. Papas sitting in the court at San Diego, on the ninth day of October, 2007, under the following conditions:

Restrict travel to San Diego County; report for supervision to Pretrial Services Agency (PSA) as directed by the assigned Pretrial Services Officer and pay for the reasonable costs of supervision in an amount determined by PSA and approved by the Court; not possess or use any narcotic drug or other controlled substance as defined in 21 U.S.C. § 802, without a lawful medical prescription; not possess any firearm or other dangerous weapon or explosive device; Provide the court a current residence address and telephone number prior to release from custody and keep it current while the case is pending; submit to treatment, and/or testing, as specified by the Pretrial Services Officer for drug or alcohol abuse; actively seek and maintain full-time employment, schooling, or combination both; other conditions: The defendant is ordered to submit to drug testing twice with Pretrial Services; once when released from custody and once within 30 days of release. If either test is positive, then Pretrial Services is authorized to continue random drug testing of the defendant at reasonable times and places no more than 8 times per month or until further order of the court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AND FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach)

Condition violated: Submit to treatment and/or testing for drugs and/or alcohol abuse.

1. On November 14, 2007, the defendant submitted a urine sample which confirmed positive for amphetamine/ methamphetamine.

Grounds for violation:

On November 14, 2007, the defendant reported to Pretrial Services and submitted a urine sample which confirmed positive for amphetamine/ methamphetamine. On November 19, 2007, Pretrial Services spoke with the defendant regarding the positive drug test. Mr. Gomez indicated he used methamphetamine on November 9, 2007. He further stated this was his first time and it would not happen again. Mr. Gomez indicated he did not need drug treatment at this time.

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Condition violated: Submit to treatment and/or testing for drugs and/or alcohol abuse.

2. On December 3, 2007, the defendant failed to provide a urine sample.

Grounds for violation:

On December 3, 2007, following the defendant's court appearance, he reported to Pretrial Services and he was directed to submit a urine sample. The defendant attempted to test twice and he failed to provide a urine sample. He was directed to report to our office the following day, December 4, 2007, at 8:00 a.m.

Condition violated: Report to Pretrial Services as directed and submit to treatment and/or testing for drugs and/or alcohol abuse.

3. The defendant failed to report to Pretrial Services as directed to submit to drug testing.

Grounds for violation:

The defendant was directed to report to Pretrial Services on December 4, 2007, at 8:00 a.m., to submit to drug testing as he was unable to provide a urine sample on December 3, 2007. The defendant failed to report.

Conditions violated: Make all court appearances

4. The defendant failed to appear for a further Status Conference/Order to Show Cause Hearing on December 6, 2007, at 10:00 a.m. before U.S. District Judge Hayes.

Grounds of violation:

On December 3, 2007, the defendant appeared for a Status Hearing/Order to Show Cause Hearing before U.S. District Judge Hayes. The hearing was continued to December 6, 2007, at 10:00 a.m., and he was ordered to appear at that time.

Conditions violated: Not commit a federal, state, or local crime during the period of release

5. The defendant was arrested by the San Diego Sheriff's Office on December 23, 2007, for PC 496(D) Vehicle Theft; Burglary Tools, and Attempt Petty Theft as evidenced by complaint number SCN239383.

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Grounds for violation:

Computerized criminal records check reveal the defendant was arrested by the San Diego Sheriff's Office on December 23, 2007, for vehicle theft.

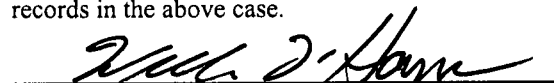
We contacted the Vista District Attorney's office and they confirmed the defendant's charges. They further indicated the defendant pled guilty to PC 496D Vehicle Theft. The defendant was sentenced on March 11, 2008, to three years formal probation, 180 days custody with 120 days credit for time served.

The complaint (case #: CN239383) indicates that on or about December 23, 2007, the defendant did unlawfully buy, receive, conceal, sell, withhold and aid in concealing, selling and withhold a motor vehicle, as defined in Section 415 of the Vehicle Code, which property had been stolen and obtained in any manner constituting theft or extortion, knowing such property to be stolen or so obtained, in violation of Penal Code Section 496d.

PRAYING THAT THE COURT WILL ORDER THE DEFENDANT TO APPEAR FOR AN ORDER TO SHOW CAUSE HEARING ON APRIL 11, 2008, AT 9:30 A.M. TO SHOW CAUSE WHY HIS BOND SHOULD NOT BE REVOKED.

ORDER OF COURT

Considered and ordered this 10 day of April, 2008, and ordered filed and made a part of the records in the above case.


The Honorable William Q. Hayes
U. S. District Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 4/10/08

Respectfully,


Irene Pflaum, U.S. Pretrial Services Officer
619-557-6056

Place San Diego, California

Date April 10, 2008